

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 1035

Introduced by Senator Hollingsworth

(Coauthors: Senators Battin, Denham, Ducheny, Torlakson, and Vincent)

(Coauthors: Assembly Members Benoit, Daucher, Emmerson, Garcia, Hancock, Haynes, Jones, and Wolk)

February 22, 2005

An act to amend Section 17070.75 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1035, as amended, Hollingsworth. School facilities maintenance: cleaning costs.

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law requires the board to require school districts that receive funding under the Greene Act of 1998 to establish a restricted account within the school district's general fund for the purpose of providing money for ongoing and major maintenance of school buildings.

This bill would allow school districts to use up to one-third of the annual deposits to the restricted account for the regular routine cleaning required to ensure that facilities are appropriately maintained.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.75 of the Education Code is
2 amended to read:
3 17070.75. (a) The board shall require the school district to
4 make all necessary repairs, renewals, and replacements to ensure
5 that a project is at all times maintained in good repair, ~~working~~
6 ~~order, and condition as defined in paragraph (1) of subdivision~~
7 ~~(d) of Section 17002.~~ All costs incurred for this purpose shall be
8 borne by the school district.
9 (b) In order to ensure compliance with subdivision (a) and to
10 encourage school districts to maintain all buildings under their
11 control, the board shall require an applicant school district to do
12 all of the following prior to the approval of a project:
13 (1) Establish a restricted account within the general fund of the
14 school district for the exclusive purpose of providing moneys for
15 ongoing and major maintenance of school buildings, according
16 the highest priority to funding for the purposes set forth in
17 subdivision (a).
18 (2) (A) Agree to deposit into the account established pursuant
19 to paragraph (1), in each fiscal year for 20 years after receipt of
20 funds under this chapter, a minimum amount equal to or greater
21 than 3 percent of the total general fund expenditures of the
22 applicant school district, including other financing uses, for that
23 fiscal year. Annual deposits to the account established pursuant
24 to paragraph (1) in excess of 2½ percent of the school district
25 general fund budget may count towards the amount of funds
26 required to be contributed by a school district in order to receive
27 apportionments from the State School Deferred Maintenance
28 Fund pursuant to Section 17584 to the extent that those funds are
29 used for purposes that qualify for funding under that section. Up
30 to one-third of the annual deposits to the account established
31 pursuant to paragraph (1) may be used for the regular routine
32 cleaning required to ensure *that* facilities are appropriately
33 maintained.
34 (B) Notwithstanding subparagraph (A), for the 2004–05 fiscal
35 year only, an applicant school district shall deposit into the

1 account established pursuant to paragraph (1), no less than 2
2 percent of the total general fund expenditures of the school
3 district, including other financing uses, for the fiscal year. The
4 annual deposit to the account in excess of 1 ½ percent of the
5 school district general fund budget for the 2004–05 fiscal year
6 may count towards the amount that a school district is required to
7 contribute in order to receive apportionments from the State
8 School Deferred Maintenance Fund pursuant to Section 17584 to
9 the extent that those funds are used for purposes that qualify for
10 funding under that section.

11 (C) A school district contribution to the account may be
12 provided in lieu of meeting the ongoing maintenance
13 requirements pursuant to Section 17014 to the extent the funds
14 are used for purposes established in that section. A school district
15 that serves as the administrative unit for a special education local
16 plan area may elect to exclude from its total general fund
17 expenditures, for purposes of this paragraph, the distribution of
18 revenues that are passed through to participating members of the
19 special education local plan area.

20 (D) This paragraph applies only to the following school
21 districts:

22 (i) High school districts with an average daily attendance
23 greater than 300 pupils.

24 (ii) Elementary school districts with an average daily
25 attendance greater than 900 pupils.

26 (iii) Unified school districts with an average daily attendance
27 greater than 1,200 pupils.

28 (3) Certify that it has publicly approved an ongoing and major
29 maintenance plan that outlines the use of the funds deposited, or
30 to be deposited, pursuant to paragraph (2). The plan may provide
31 that the school district need not expend all of its annual allocation
32 for ongoing and major maintenance in the year in which it is
33 deposited if the cost of major maintenance requires that the
34 allocation be carried over into another fiscal year. However, any
35 state funds carried over into a subsequent year may not be
36 counted toward the annual minimum contribution by the school
37 district. A plan developed in compliance with this section shall
38 be deemed to meet the requirements of Section 17585.

1 (c) A school district to which paragraph (2) of subdivision (b)
2 does not apply shall certify to the board that it can reasonably
3 maintain its facilities with a lesser level of maintenance.

4 (d) For purposes of calculating a county office of education
5 requirement pursuant to this section, the 3 percent maintenance
6 requirement shall be based upon the county office of education
7 general fund less any restricted accounts.

8 (e) As a condition of participation in the school facilities
9 program or the receipt of funds pursuant to Section 17582, for a
10 fiscal year after the 2004–05 fiscal year, a school district shall
11 establish a facilities inspection system to ensure that each of its
12 schools is maintained in good repair.

13 (f) For purposes of this section, “good repair” has the same
14 meaning as specified in subdivision (d) of Section 17002.

15 SEC. 2. This act is an urgency statute necessary for the
16 immediate preservation of the public peace, health, or safety
17 within the meaning of Article IV of the Constitution and shall go
18 into immediate effect. The facts constituting the necessity are:

19 In order to authorize school districts to use moneys reserved
20 for deferred maintenance for regular routine cleaning of school
21 facilities beginning with the 2005–06 fiscal year, it is necessary
22 for this act to take effect immediately.